

Serial No. 10/666,915
Docket: STD 1184 PA/41213.541

Remarks

Claims 1-3, 6-12, 18-22 and 30-32 and 60-63 were rejected under 35 USC 103(a) as being unpatentable over US Patent 5,250,492 to Dotson et al (hereinafter the '492 patent). Claims 16-17 and 47 were rejected as being unpatentable over the '492 patent in view of US Patent 6,062,604 to Taylor et al (hereinafter the '604 patent). Claim 23 was rejected as being unpatentable over the '492 patent in view of US Patent 5,932,870 to Berson (hereinafter the '870 patent). Claims 13-15 and 23 were rejected as being unpatentable over the '492 patent in view of US Patent 5,883,043 to Halbrook, Jr. et al (hereinafter the '043 patent). Claims 4-5, 24-29, 33-46 and 48-49 were rejected as being unpatentable over the '492 patent in view of US Patent 5,591,527 to Lu (hereinafter the '527 patent). None of the claims have been amended.

The Examiner has misconstrued the nature of the claimed device and the device of the '492 patent. Independent claims 1, 33 and 43 recite first and second security coatings that provide different notorious indicia of tampering in each of the security coatings. While the device depicted in the '492 patent shows a first and second coating superimposed on one another (see, for example, coatings 50 and 52 in FIG. 6), there is absolutely no evidence that each coating layer is capable of providing notorious indicia of tampering in one coating layer that is different from notorious indicia of tampering in the other coating layer. This is made manifest from the teaching of the '492 patent, where coating layer 50 merely contains microcapsules that are full of solvent. As will be appreciated by those skilled in the art, a coating layer with nothing more than solvent-containing microcapsules (such as coating layer 50) is incapable of generating any tamper evidence in and of itself. Properly construed, the function of coating layer 50 is to merely hold solvent that upon rubbing, abrasion or related impact reacts with the color former and color developer of coating layer 52 to bring the color developer and color former components together to form a visible image. Accordingly, the device of the '492 is clearly limited to generating only one form tampering indicia (i.e., the visible image produced by the solvent, color former and color developer) rather than the two different forms of independent claims 1, 33 and 43. As such, there is nothing in the '492 patent that teaches or suggests a security document with multiple coating layers, each producing its own indicia of tampering.

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Since one of the requirements of a prima facie case for obviousness is that all of the claim limitations must be taught or suggested (MPEP 2143.03), and that on its face the '492 patent fails this requirement for the reasons discussed above, the Applicants respectfully submit that the present rejection is not well taken, and that upon reconsideration by the Examiner should be withdrawn.

The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, notification of allowable subject matter is respectfully solicited.

Respectfully submitted,
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